

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ADAM D. ARENA,

Defendant.

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**DECISION AND ORDER**  
21-CR-168S

Presently before this Court is Defendant Adam D. Arena's unopposed motion to lift the Western District of New York detainer placed on him. See Docket No. 53. This relief is requested in an effort to facilitate Arena's designation to a United States Bureau of Prisons facility to begin serving a previously imposed federal sentence so that he can receive necessary treatment for a serious medical condition, which treatment is unavailable at his current detention facility. Some background is in order.

Nearly one year ago, on April 7, 2021, a federal district judge in the United States District Court for the District of New Jersey sentenced Arena to 48 months' imprisonment after Arena previously pleaded guilty to bank fraud and conspiracy to commit bank fraud. After imposition of that sentence, but before Arena self-surrendered to the United States Bureau of Prisons, Arena developed extensive occlusive left renal vein thrombosis and was diagnosed with eight blood clots in his left kidney. See Affirmation of MaryBeth Covert ("Covert Aff."), Docket No. 53, ¶ 2. This development delayed Arena's self-surrender date as the Bureau of Prisons worked to designate an appropriate facility that could address Arena's medical needs. See id.

In the meantime, and before self-surrender in New Jersey, Arena was charged by

criminal complaint in this district and remanded into custody. See Docket No. 5. The District of New Jersey then lodged a detainer and the district judge there entered an order remanding Arena to immediately begin serving his sentence. See Covert Aff., ¶¶ 3, 5.

On November 17, 2021, Arena appeared before this Court, waived indictment, and pleaded guilty to a two-count felony information charging him with conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349, and engaging in a monetary transaction with criminally derived proceeds, in violation of 18 U.S.C. § 1957. See Docket Nos. 34-37. Sentencing is currently scheduled for April 13, 2022. See Docket No. 52.

Arena has been held in the Northeast Ohio Correctional Center based on the Western District of New York detainer since he was remanded into custody here, and it is represented that the Bureau of Prisons will not designate him for service of his District of New Jersey sentence until the proceedings here are concluded. But in recent weeks, Arena has developed a marked increase in symptoms suggestive of end-stage renal failure and has been advised by a nurse at Northeast Ohio Correctional Center that his deteriorating condition requires more care than the facility is equipped to provide. See Covert Affirm., ¶¶ 7, 8. The government concurs in both the representation that Arena's health condition is precarious and that Northeast Ohio Correctional Center is not equipped to provide necessary treatment.

With the ultimate goal of having Arena immediately transferred to a federal facility that can provide the medical care that he needs, the parties jointly request that this Court lift the Western District of New York detainer and recommend to the Bureau of Prisons that it designate Arena to a suitable federal facility to begin serving his District of New

Jersey sentence. With respect for the District of New Jersey sentence, and with no intention to interfere with its execution, this Court finds that the exigency of the circumstances warrant the relief requested in order to place Arena in the best position to receive the medical care that he now appears to desperately need. Defendant's motion will therefore be granted, with this Court confident that the Bureau of Prisons will favorably exercise its discretion consistent with the goal of this decision.

IT HEREBY IS ORDERED, that Defendant's Motion to Lift the Detainer (Docket No. 53) is GRANTED, consistent with the foregoing decision.

FURTHER, that the United States Marshals Service is directed to LIFT the Western District of New York detainer on the defendant.

FURTHER, that it is RECOMMENDED that the United States Bureau of Prisons designate the defendant as soon as possible to an appropriate federal facility that can accommodate his medical needs to begin serving his District of New Jersey sentence.

SO ORDERED.

Date: March 15, 2022  
Buffalo, NY

s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge